

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 4, 1992
7:30 P.M.

ROLL CALL

Present: Council Members - Hinchman, Pennino,
Sieglock, Snider, and Pinkerton (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City
Manager Glenn, Community Development
Director Schroeder, Public Works Director
Ronsko, City Attorney McNatt, and City Clerk
Reimche

INVOCATION

The invocation was given by Pastor Judy Edwards, United
Congregational Christian Church.

PLEDGE OF
ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pinkerton.

PRESENTATIONS

There were no awards, presentations, or proclamations.

ITEM ADDED TO AGENDA

Pursuant to State Statute, on motion of Council Member
Hinchman, Sieglock second, it was determined by unanimous
vote of the City Council that an urgency item needed to be
added to the agenda. The matter was not known at the time
of the preparation and distribution of the agenda.

On motion of Council Member Hinchman, Sieglock second, the
City Council added the following item to the agenda:

- a) "Purchase of property at 13 North Church
Street, Lodi."

CONSENT CALENDAR

In accordance with report and recommendation of the City
Manager, Council, on motion of Council Member Sieglock,
Hinchman second, approved the following items hereinafter
set forth.

Agenda item #E-3 entitled, "Consider initiating the
annexation/reorganization proceedings for the Bennett &
Compton Reorganization located south of WID Canal, west of
Lilac Street, north of the City limits line and east of
Woodhaven Drive" was removed from the Consent Calendar and
discussed and acted upon at another point on the agenda.

Further, agenda item #E-13 entitled, "Purchase of property
at 13 North Church Street, Lodi" was added to the Consent
Calendar.

CLAIMS CC-21(a) Claims were approved in the amount of \$3,850,709.57.

MINUTES The Minutes of January 28, 1992 (Joint Meeting with the Lodi Arts Commission), February 5, 1992 (Regular Meeting), and February 11, 1992 (Joint Meeting with the Lodi District Chamber of Commerce) were approved as written.

ANNEXATION/REORGANIZATION PROCEEDINGS
FOR BENNETT AND COMPTON ADDITION
INITIATED

RESOLUTION NO. 92-36

CC-8(a) The City Council was advised that at its meeting of
CC-300 November 20, 1991, the City Council introduced Ordinance No. 1539 which rezoned the proposed Bennett and Compton Addition to R-GA, Garden Apartment Residential which is consistent with the General Plan. The rezoning is required by the San Joaquin Local Agency Formation Commission as the first step in the annexation/reorganization process.

The proposed Bennett and Compton Addition encompasses 3 parcels in one ownership and contains 9.4 acres.

Council Member Hinchman requested that schools be included in the Justification of Proposal as it relates to governmental services required by this proposal.

Following discussion, on motion of Council Member Hinchman, Pennino second, the City Council adopted Resolution No. 92-36 entitled, "A Resolution of the Lodi City Council for Application to the San Joaquin County Local Agency Formation Commission in the Matter of the Proposed 'Bennett and Compton Addition', Including the Detachment of Certain Territory Within the Area Proposed for Annexation to the City of Lodi." This item was removed from the Consent Calendar and discussed and acted upon at a later point on the agenda.

PURCHASE OF BATTERY CAPACITY TEST
SYSTEM FOR THE ELECTRIC UTILITY DEPARTMENT

RESOLUTION NO. 92-37

CC-12(d) The City Council adopted Resolution No. 92-37 awarding the
CC-300 bid for the purchase of Battery Capacity Test System to the sole bidder Alber Engineering, Inc., Florida, in the amount of \$12,909.53.

On January 15, 1992 the City Council approved specifications and authorized advertisement for bids. Bids

were opened on February 18, 1992 with Alber being the sole bidder. A "no bid" was received from another vendor.

The Battery Capacity Test System will be used by the Electrical Systems Group in the maintenance program of the various battery banks utilized for operation and control of power circuit breakers and for uninterruptible power supplies on computer and SCADA systems. The Test System will determine the condition as well as the ability of these various battery banks to supply the necessary power during an emergency situation or an all-out power failure.

The recommendation to award to the sole bidder is based on the facts that this type of equipment is for very specialized applications and is handled by a limited number of vendors thus making it highly unlikely that a rebid would provide any benefit to the City.

Funding in the amount of \$11,500 was included in the 1991-92 fiscal year budget. In order to fully fund this purchase, it is further recommended that \$1,409.53 be transferred from excess budgeted funds for a pickup truck no longer considered for purchase.

PURCHASE OF POLEMOUNT TRANSFORMERS

RESOLUTION NO. 92-38

CC-12(d)
CC-300

The City Council adopted Resolution No. 92-38 awarding the purchase of 9 circuit-protected, and 45 conventional, polemount transformers to the bidders whose proposals and equipment met all Electric Utility specifications, and whose transformers yielded the lowest overall life-cycle costs:

General Electric Supply Co., Martinez, CA

3 ea. 25KVA	120/240V Circuit-protected	\$ 2,265.98
6 ea. 37.5KVA	120/240V Circuit-protected	5,365.95
13 ea. 15KVA	120/240V Conventional	7,059.78
8 ea. 25KVA	120/240V Conventional	5,016.84
5 ea. 50KVA	277V Conventional	<u>5,274.36</u>
Subtotal		\$24,982.91

Cooper Power Systems, Burlingame, CA

6 ea. 37.5KVA	120/240V Conventional	\$ 4,835.82
13 ea. 50KVA	120/240V Conventional	<u>14,301.66</u>
Subtotal		\$19,137.48
Total		\$44,120.39

On January 15, 1992, the City Council approved the specifications and authorized advertisement for bids. Bids were opened on February 18, 1992.

These transformers will be installed as replacements for PCB-contaminated units, and to replenish the Department's inventory.

PURCHASE OF PADMOUNT TRANSFORMERS

RESOLUTION NO. 92-39

CC-12(d)
CC-300 The City Council adopted Resolution No. 92-39 awarding the purchase of 5 padmount transformers to the bidder whose proposal and equipment met all Electric Utility specifications, and whose transformers yielded the lowest overall life-cycle costs, Pauwels Transformers of Washington, Missouri. Total amount of purchase is \$33,507.03.

On January 15, 1992, the City Council approved the specifications and authorized advertisement for bids. Bids were opened on February 18, 1992.

These transformers will be used in the electric distribution system in various locations expected to be under construction in late 1992.

CONTRACT RENEWAL WITH FAMILY SERVICES AGENCY FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES APPROVED

CC-6
CC-90 The City Council approved a one-year extension of an agreement entered into on March 1, 1990 by and between the City of Lodi and the Family Services Agency, Inc. to provide Employee Assistance Program Services which extension includes a 4.0% increase in the costs.

The City Council was advised that the City for a number of years has provided an employee assistance program designed to assist employees and their families with assistance in dealing with potentially disabling emotional and family problems. This program has been extremely beneficial to the City and its employees.

We have dealt with Family Services Agency, Inc. over the years. Their staff has the confidence and trust of employees and their families and for this reason we do not want to make changes at this time.

Council is requested to authorize the City Manager to enter into a one-year extension with the Family Services Agency, Inc. to provide Employee Assistance Program services at an annual cost of \$12,743.64.

SERVICE AGREEMENT BETWEEN THE CITY
OF LODI AND THE SAN JOAQUIN PARTNERSHIP
WHICH PROVIDES FOR ECONOMIC DEVELOPMENT
SERVICES FOR THE CITY APPROVED

CC-6 The City Council was reminded that at the "Shirtsleeve"
CC-7(u) session of March 3, 1992 the City Council heard a
CC-90 presentation by Mr. Rick Weddle, President of the San
 Joaquin Partnership regarding the activities of the
 Partnership in the area of economic development. The
 Partnership is requesting at this time approval of the
 Service Agreement.

The City Council approved the Service Agreement between the
City of Lodi and the San Joaquin Partnership which provides
for economic development services for the City.

FREEWAY MAINTENANCE AGREEMENT NO. X-95,
SUPPLEMENT NO. 1 APPROVED

RESOLUTION NO. 92-40

CC-7(f) The City Council adopted Resolution No. 92-40 approving
CC-90 Freeway Maintenance Agreement X-95 (S1) between the State
CC-300 of California and the City for maintenance of State
 highways in the City of Lodi and authorized the Mayor and
 City Clerk to execute the agreement.

The City Council was advised that this agreement clarifies
the division of maintenance responsibility as to separation
structures and City streets and landscaped areas within the
freeway limits. The original agreement was signed by the
City and State on January 2, 1964. This modifies the old
agreement to reflect what is currently being maintained by
the City in the area of Turner Road due to annexations
since the original agreement was signed. The new agreement
also changes some of the language and adds several sections
not included in the old section. These changes do not
change City responsibility or maintenance requirements.

PUBLIC HEARING SET TO CONSIDER ADOPTION
OF AN AMENDMENT TO THE DEVELOPMENT
IMPACT MITIGATION FEE ORDINANCE PERTAINING
TO COMMERCIAL FEES

CC-6 The City Council set a public hearing for March 18, 1992 to
CC-46 consider introduction of an ordinance amending the
CC-56 Development Impact Mitigation Fee Ordinance as it pertains
 to commercial fees.

The Development Impact Mitigation Fee Ordinance (LMC
Chapter 15.64) provides for a fee schedule for various land
use types based on their service impacts all as compared to
one acre of low density residential use. This is done in

the Residential Acre Equivalent (RAE) schedule contained in Section 15.64.070. The categories are based on those shown in the General Plan.

In working with the new ordinance over the past few months, all of the developments subject to the fees have been commercial projects. We have found a problem in working with shopping center projects which are allowed under the "Neighborhood Commercial" category, but have traffic impacts comparable to the "General Commercial" category. A similar situation, although not as severe, exists for police and fire fees.

The General Plan land use map identifies most of the undeveloped commercial areas as "Neighborhood Commercial". These areas are located and sized such that they will be some type of shopping center. Essentially all the "General Commercial" land is located along Cherokee Lane and little is vacant. Because the zoning code allows such a large overlap in permitted uses in these categories, it is confusing to the development community as to which fee might apply. It becomes even more of a problem when a commercial use is located in an industrial zone, which is also allowed by the zoning code.

To solve these problems, staff recommends that the three retail commercial categories (neighborhood, general and downtown) be considered as one "Retail Commercial" category. The "Office Commercial" category would remain as is.

This change would only affect the streets, police and fire fees. The water, sewer, storm drainage, parks and recreation and general City facilities RAE factors, hence the fees, are already equal in these categories. Staff has recalculated a weighted average RAE factor for this combined "Retail Commercial" category and has reviewed our methodology with the fee study consultant who found it acceptable. The results were shown on an exhibit presented for Council review. The new retail commercial fee is slightly higher than the old neighborhood commercial fee and significantly lower than the old general commercial fee, as summarized below.

<u>Proposed</u>		<u>Land Use Category</u>		
		<u>Existing</u>		
Fee Category		Neighborhood & Downtown	General	Retail
Commercial		Commercial		Commercial
Streets -	RAE	1.90	3.82	2.08
	Fee per acre	\$10,390	\$20,900	\$11,380

Police -	RAE	4.28	2.59	4.12
	Fee per acre	\$ 4,750	\$ 2,870	\$ 4,570
Fire -	RAE	2.77	1.93	2.69
	Fee per acre	\$ 1,440	\$ 1,000	\$ 1,400
All Others -	RAE varies			
	Fee per acre	\$24,700	\$24,700	\$24,700
Total fee per acre:		\$41,280	\$49,470	\$42,050

PUBLIC HEARING SET TO CONSIDER FEES FOR
PUBLIC WORKS PLANS AND SPECIFICATIONS
DISTRIBUTION

CC-6 The City Council set a public hearing for March 18, 1992 to
CC-12.1(c) consider setting fees for Public Works plans and
CC-56 specifications distribution.

At the present time, the City distributes specifications for City projects at no cost to any interested party. The cost to reproduce and mail the plans and specifications, as well as the number of requests for them, has required the Public Works Department to consider charging a non-refundable fee for the reproduction and distribution of these plans and specifications.

PUBLIC HEARING SET TO ACCEPT COST OF
CONSTRUCTION REPORT AND HEAR OBJECTIONS
FROM PROPERTY OWNERS LIABLE TO BE ASSESSED
FOR INSTALLATION OF SIDEWALKS AT
1907 AND 1911 SOUTH CHURCH STREET

CC-45(e) The City Council set a public hearing for March 18, 1992 to receive the Cost of Construction Report and to hear objections or protests from property owners liable to be assessed for the cost of such construction.

At the time the Church Street, Kettleman Lane to Century Boulevard, project was bid, four property owners were notified to construct sidewalk where none existed. Two of the property owners made arrangements for the sidewalk installation and two did not.

After the time prescribed in the Streets and Highways Code, the City notified its contractor to do that work. The work has been completed and the Code requires that the legislative body set a time and place to hear the report and any objections which may be raised by the property owners who are liable for the construction.

PURCHASE OF PROPERTY AT 13 NORTH CHURCH STREET

The City Council concurred in the purchase by the City of Lodi of the property at 13 North Church Street.

The City Council was advised that for many years the City has expressed interest in the purchase of the property at 13 North Church Street (Viola's), owned by Mrs. Viola Reiswig. The property is surrounded on three sides by City property as is the sole remaining parcel to be acquired to complete the Civic Center complex. The property will be utilized for additional parking. About a year ago, the City engaged the services of an appraiser to prepare a formal appraisal of the property. The appraised value was set at \$100,000. In a meeting late in the afternoon of February 27, 1992 (Thursday), Mrs. Reiswig accepted the City's offer at the appraised value.

Mrs. Reiswig is anxious to close escrow on the property at the earliest possible date. It is for this reason that this matter is brought to the City Council for concurrence now rather than waiting until the next regular meeting of March 18, 1992. Funding is provided in the 1991-92 Capital Improvement Budget previously approved by the City Council.

COMMENTS BY CITY
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

BIRTHDAY WISHES EXTENDED TO VEVA CARTER

Mayor Pinkerton wished Veva (Ditto) Carter a very happy 100th birthday.

APPOINTMENTS MADE TO PERMIT PROCESS
REVIEW COMMITTEE

CC-2(o)

Mayor Pinkerton announced the appointment of the following people to the Permit Process Review Committee:

- 1) Wayne Craig;
- 2) Larry Wenell;
- 3) Steve Pechin; and
- 4) Jeff Kirst.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

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LODI DISTRICT CHAMBER OF COMMERCE
MEMBERSHIP BREAKFAST

Evelyn M. Olson, President of the Lodi District Chamber of Commerce announced that the Chamber is hosting a Membership Breakfast on Friday, March 6, 1992 at 7:00 a.m. at the Woodbridge Golf and Country Club and extended an invitation to citizens of this community to attend.

CITIZEN VOICES COMPLAINT AGAINST
LODI POLICE DEPARTMENT

CC-16 Laurie Folweiler, 26 North Washington Street, Lodi reported that she had recently been stopped by a member of the Lodi Police Department and stated that she felt that the officer was "malicious and rude" to her.

PUBLIC HEARINGS Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider amending the Lodi Municipal Code to authorize the City to collect late fees for delinquent utility bills.

LODI MUNICIPAL CODE AMENDED TO COLLECT
LATE FEES FOR DELINQUENT UTILITY BILLS

ORDINANCE NO. 1543
RESOLUTION NO. 92-41

CC-6 Following introduction of the matter by the City Manager,
CC-21(a) Finance Director Dixon Flynn gave the following report.
CC-51(a)

CC-149 At a Shirtsleeve Session held on December 10, 1991, the
CC-300 City Council reviewed several proposals made by staff to encourage the timely payment of the City's utility bills. One proposal made was to impose and collect a fee for late or delinquent payment of utility bills.

Mr. Flynn then presented the following proposed Utility Fees and Deposits Policy for Council consideration.

RATES, FEES, AND DEPOSITS

The City of Lodi will provide reliable and cost effective utility services to its customers. In accomplishing this goal, utility operations will be efficiently managed and based on sound economic principles, which in part means, following prudent business practices and setting equitable service rates, fees and deposits. As such, rates, fees, and deposits will be based on the cost of service, encourage conservation, promote timely customer payments, and will be sensitive to customer needs, capacity to pay, and the economic health of the community.

INITIATION OF SERVICE AND DELINQUENCY DEPOSITS

All applicants for utility services will establish credit by depositing in advance the amount of a monthly service charge. Such deposits will be either credited to the customer's regular bill or closing bill, following one year of satisfactory payment history or by agreeing to attend a utility conservation class (electrical, gas, water, sewer, garbage) approved by the City. After establishing good credit with the City, deposits for new or additional accounts will not be required. The Finance Director may waive the initial deposit for industrial and commercial customers to promote economic stability and commercial growth; however, a deposit will be required from those customers whose account is closed for failure to pay prior to reconnecting services.

NEW SERVICE DEPOSIT

Class	Inside City	Outside City
Residential	\$ 50	\$ 80
Mobile Home Park	1,200	1,800
Group 1	120	180
Group 2 through 5	2,200	3,300

RESTORATION-RECONNECTION CHARGE

A restoration-reconnection charge will be paid by customers prior to restoring and reconnecting City utilities for non-payment as provided below:

During normal working hours:	\$33
Weekends, holidays, and after normal work hours:*	\$48

*Also the charge to be levied for new service connections after normal work hours, on holidays and weekends.

DELINQUENT CHARGES (not to be implemented until approved by Council)

A delinquent charge of \$10 after 60 days (third bill) and \$25 after 90 days (closing or final bill) shall be applied to all past due accounts until sealed for non-payment or until no prior monthly charges are outstanding.

The Finance Director may waive delinquent charges in whole or part to promote goodwill with City customers when requested by a customer for reasons of hardship or timely payment could not have been reasonably expected based on personal considerations.

CUSTOMER ASSISTANCE

At the time utilities are disconnected for non-payment and reinstatement of services is requested by a customer, the Finance Director may negotiate a one-time repayment schedule for up to six months for those customers who can demonstrate their ability to pay. Normally a repayment schedule will be established when a City customer can demonstrate financial hardship due to the recent loss of employment or other unusual hardship conditions.

In all other cases the City will refer customers to appropriate assistance agencies such as "Reach Program" offered by the Salvation Army and "Energy Crises Intervention Program" offered by San Joaquin County Department of Aging.

There being no persons wishing to speak on the matter, the public portion of the hearing was closed.

On motion of Council Member Snider, Pennino second, the City Council introduced Ordinance No. 1543 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.04 -- Service Generally" and adopted Resolution No. 92-41 entitled, "A Resolution of the Lodi City Council Setting a Late Fee for Delinquent Utility Bills" which resolution will be effective concurrent with the effective date of Ordinance No. 1543.

NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE PROPERTY LOCATED AT 303 EAST ELM STREET

CC-24(c)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider Notice of Public Nuisance and Order to Abate dated February 7, 1992 addressed to Mr. Bradley B. and B. B. Burrell, 1724 Lakeshore Drive, Lodi, California regarding property located at 303 East Elm Street, Lodi (Assessor Parcel No. 043-088-0021) issued by Steven W. Raddigan, Fire Marshal, City of Lodi.

The matter was introduced by Fire Chief Larry Hughes who advised the City Council that on February 3, 1992, the Fire Marshal inspected the building at 303 East Elm Street. As a result of this inspection, a determination was made by the Fire Marshal that the building was vacant and unsecured in violation of the Uniform Fire Code and the Uniform Code for Abatement of Dangerous Buildings.

On February 5, 1992, the Fire Marshal contacted Mr. Bradley Burrell and Mr. Patrick Manly by telephone. Mr. Burrell stated that the property was being foreclosed on by Mr.

Manly and that he was not going to spend any more money on the property. Mr. Manly stated that until title is returned to him, he was not responsible for the property. During the conversation, it became apparent that no foreclosure proceedings had been initiated.

On February 7, 1992, the Fire Marshal issued a Notice of Public Nuisance and Order to Abate to Mr. Burrell, the owner of the property, and to Mr. Manly, who has an interest in the property.

The building is currently unsecured and an attractive nuisance. Individuals have began marking the building using gang graffiti, "XIV". Some of these markings have been applied to the windows of the second story by individuals who had gained access to the interior of the building.

The building is located in one of the high crime areas and is directly across from Hale Park.

The Fire Marshal feels that this building and adjoining properties are at risk as a result of current condition of the building.

Due to the fact that the legal owner has refused to secure the building, and the danger that the current conditions present, the Fire Marshal is requesting authorization from the City Council to have the building secured and the cost of approximately \$1,800.00 placed a lien against the property.

Addressing the City Council supporting the City's position in this matter were the following people:

- a) Virginia Lahr, 311 East Elm Street, Lodi;
- b) Laurie Folweiler, 26 North Washington Street, Lodi; and
- c) Arthur Price, 1053 Port Chelsea Circle, Lodi.

There being no other persons wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

On motion of Council Member Sieglock, Hinchman second, the City Council ordered the Fire Marshal to immediately secure the building, and directed staff to take whatever action is necessary to secure and abate the subject building.

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LAND USE ELEMENT OF THE LODI GENERAL PLAN
AMENDED BY REDESIGNATING A 6.71 ACRE PORTION
OF THE PARCEL LOCATED ON WOODHAVEN LANE,
NORTH OF TURNER ROAD, WEST OF EILERS LANE
AND SOUTH OF THE WID CANAL
PREZONING APPROVED

ORDINANCE NOS. 1544 AND 1545

CC-53(a)
CC-149

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the following matters:

- a) to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the hereinafter listed projects;
- b) to amend the Land Use Element of the Lodi General Plan by redesignating a 6.71 acre parcel located on Woodhaven Lane north of Turner Road, west of Eilers Lane and south of the WID Canal (APN 015-230-29) from P-R, Planned Residential to MDR, Medium Density Residential (GPA-LU-92-1); and
- c) to prezone a 6.71 acre parcel located on Woodhaven Lane, north of Turner Road, west of Eilers Lane, and south of the WID Canal (APN 015-230-29) to Planned Development District No. 28 (P-D 28).

Community Development Director Schroeder advised the City Council that the proponent of the project Dana Smith and his associates want to construct 50 single-family units on less than standard size lots. Their proposal is similar to three projects on Century Boulevard between Chickadee Drive and Cherokee Lane and appears to meet the "less than market rate requirement" in the growth manage program.

The project is north of Wine and Roses County Inn and west of existing and proposed multiple-family on Woodhaven Lane.

Speaking in favor of the project were:

- a) Steve Pechin, Baumbach and Piazza, Inc. Civil Engineers, 303 West Elm Street;
- b) Dana Smith, 211 South Avena, Street, Lodi; and
- c) Jim Sturman, 2842 East Center Street, Acampo.

Speaking in opposition was:

a) Tom Gau, 2336 Eilers Lane, Lodi.

There being no other persons wishing to speak regarding the matter, the public portion of the hearing was closed.

A lengthy discussion followed with questions regarding the matter being directed to staff and to those who had given testimony.

On motion of Council Member Snider, Pennino second, the City Council certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the hereinafter listed projects.

On motion of Council Member Sieglock, Pinkerton second, the City Council introduced Ordinance No. 1544 amending the Land Use Element of the Lodi General Plan by redesignating a 6.71 acre parcel located on Woodhaven Lane north of Turner Road, west of Eilers Lane and south of the WID Canal (APN 015-230-29) from P-R, Planned Residential to MDR, Medium Density Residential (GPA-LU-92-1).

On motion of Mayor Pro Tempore Pennino, Snider second, the City Council introduced Ordinance No. 1545 rezoning a 6.71 acre parcel located on Woodhaven Lane, north of Turner Road, west of Eilers Lane, and south of the WID Canal (APN 015-230-29) to Planned Development District No. 28 (P-D 28).

PLANNING COMMISSION No reports had been received since the last City Council meeting.

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4(c) On recommendation of the City Attorney and Insurance Consulting Associates, Inc., on motion of Council Member Hinchman, Sieglock second, the City Council denied the following claim and referred it back to the City's Contract Administrator:

a) Barbara Price, date of loss 12/17/91.

ABC LICENSE
APPLICATIONS

City Clerk Reimche presented an application for Alcoholic Beverage Control License which had been received for the following:

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- a) Kitty Auyeung and Sidney Yu Tak, Jade Fountain, 2401 Turner Road, Lodi, California, On Sale Beer and Wine Eating Place, Person to Person and Premise to Premise Transfer.

MOKELUMNE RIVER ACCESS

CC-6 City Clerk Reimche presented the following letter that had
CC-184 been received from Capt. R. E. Thull, 1667 Timberlake Circle, Lodi regarding river access.

It appears that the influence of the wealthy has once again triumphed at the expense of the public.

The recommendation of the committee on 2/18/92 to deny further access to the public is shocking, to say the least.

Instead of recommending more public access to the river, as required by law, the committee actually favors the establishment of yet another private park for the "River People".

I strongly resent any of my tax dollars going to finance a private park at the Scenic Overlook, and will do everything in my power to stop it.

Capt. R. E. Thull

REGULAR CALENDAR

SILENT ALARM SERVICE MONITORED BY POLICE DEPARTMENT

CC-6 City Manager Peterson introduced the matter advising the
CC-16 City Council that last summer the City Council was advised via a memorandum that it was the City's intention to terminate the silent alarm service monitored by the Police Department. That memo advised that "unless I (City Manager) hear from Council Members to the contrary, we will move ahead with this effort...." A second memo was sent to the City Council last November referencing the earlier memo and stating that "we are now ready to do so (terminate) and will proceed as planned."

The Police Department, in a letter dated January 3, 1992, advised the 28 subscribers to this service that the department would no longer maintain the silent alarm board. The letter gave a disconnect deadline of February 6, 1992, with a provision for a 30-day extension from that date if the time frame created a hardship. This deadline was subsequently extended an additional 30 days to April 6, 1992. Two months have elapsed since the notification letter was mailed and as of this writing the Police

Department has received just two calls of complaint. One complainant was unhappy initially, but understood the reasons for the action. He was granted a 30-day extension and advised the Police Department that he was moving ahead with addressing his silent alarm needs. The only other complaint was received from Mr. David Rice, owner of Bitterman's Jewelry, 10 North School Street, who appeared before the City Council at its regular meeting of Wednesday, January 15, 1992, to present his protest in person.

There are a small number of City and County work stations and equipment rooms connected to the system and the dispatchers will continue to monitor those until the system completely "crashes." Over half of these are located in the Public Safety Building (Police Department) itself. These alarms are almost never activated and thus pose little, if any, additional load on the dispatchers. Upon the complete failure of the existing alarm system, the City will evaluate alarm system technologies at that time and recommend action as deemed appropriate.

The reasons for the decision to terminate this service were enumerated in the original memo distributed to the City Council. They bear repeating:

- . It has been determined that this silent alarm board operation is obsolete.
- . The system has become periodically unreliable, and we are experiencing problems and an increasing difficulty in locating parts.
- . We have created a false sense of security for those businesses currently tied into the system.
- . There exists the potential of City liability and as a result, the majority of California cities no longer provide this service.
- . There are a number of local alarm companies available to provide this service.

As a direct result of Mr. Rice's requests for additional information, proposals to install a replacement system were solicited from four private alarm companies. Two were Lodi firms; one in Stockton; and one in the Bay Area (San Mateo). The bids ranged widely from a low of \$14,800 to a high of \$44,649. The range would lead one to logically conclude that the various equipment proposed also varied widely in capabilities.

The issue here is not whether a silent alarm system can be installed at a cost of \$14,000 or \$44,000. The issue is: should the City of Lodi remain in the silent alarm business? It is the recommendation of staff that the City should not. The Dispatch Center is already crowded with calls for service, many of which are of an emergency nature, and some of which bear directly on the life safety of the officers involved. In the midst of this activity, the City's dispatchers should not be saddled with the additional burden of having to prioritize responses to silent alarms. The department has always, and will continue to respond to silent alarms. But the screening of these alarms should be the responsibility of private alarm companies who are in the business of providing this kind of service. The fact that approximately 90%-95% of the silent alarm calls the Police Department receives are "false alarms" lends further support to the City's termination of this service. It is important to note that there remains in San Joaquin County not a single other law enforcement agency still in the silent alarm business.

Finally, there are significant numbers of previous subscribers to the service who have already made arrangements to convert their alarm systems to private alarm companies. They have done so at no small expense. It has cost them money. For example, all of the banks and savings and loan institutions are no longer connected to the City's silent alarm board. With the exception of Mr. Rice, the City has not heard from any of the remaining handful of businesses and residents who had previously subscribed to this service. Having received no inquiries from these individuals in the two months since the original contact regarding the termination of service was made, we can only assume that they have either made other arrangements or have concluded they have no continued need for alarm services.

To now renege on the City's prior announcement that it would be terminating this service would be most unfair to those businesses and residents who have taken the City at its word.

Speaking in favor of the City's retaining the silent alarm board were:

- a) Steve Bosserman, 109 Hemlock Drive, Lodi;
- b) David Rice, 10 North School, Lodi;
- c) Barbara McWilliams, Poser's TV and Radio, 208 South School, Lodi; and
- d) Cliff Poser, 920 South Cherokee Lane, Lodi

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Also addressing the City Council regarding the matter was Evelyn Olson, 1306 Burgundy Court, Lodi.

A lengthy discussion followed with questions regarding the matter being directed to staff and to those who had addressed the City Council regarding the matter.

On motion of Council Member Snider, Pennino second, the City Council directed staff in cooperation with the City Council and Lodi merchants to conduct a survey regarding the matter as it relates to retail and commercial businesses.

RECESS

Mayor Pinkerton declared a five-minute recess and the City Council reconvened at approximately 10:30 p.m.

GRAFFITI ABATEMENT

CC-13

Public Works Director Ronsko advised the City Council that at the present time, the Parks and Recreation Department, Community Center and the Public Works Department are dealing with graffiti on their facilities. This would continue to be done by each department. The options listed under the removal methods would be used only on private property where releases are obtained.

Removal Methods

Under the first two alternates listed, it is recommended that the City implement a 3-month trial program. Three months would carry the program through to the beginning of next fiscal year when major ongoing funding could be made available. This funding will be discussed later.

Alternate 1

Under this alternate, the City would hire a part-time employee, furnish all equipment, materials and a vehicle. In the beginning, this employee would also be required to obtain releases. It is hoped that releases can be obtained by other methods discussed later in this communication. The cost of this alternative is approximately \$7,500.00 which includes 40 hours of labor per week at \$6.00 per hour and the equipment and materials. The \$6.00 per hour includes the standard employment costs. This person would work a maximum of 8 hours per day which would allow us time to evaluate what is really needed for an on-going program. This cost does not include the cost of public relations or other promotional materials which will be discussed later.

Alternate 2

This alternate is the same as Alternate 1 except the City would contract with a temporary service agency for

employees to do this work. The cost of this alternate would be approximately \$9,000.00 which includes 40 hours of labor per week at \$8.50 per hour. All other portions of this alternate are the same as Alternate 1.

The only difference between these two alternatives is the hourly rate paid to the employee or the temporary agency. Under Alternate 1, the City would be responsible for worker's compensation for the part-time employee. Under Alternate 2, the temporary service agency will cover the employee worker's compensation, but the hourly cost is higher. Either type employee would be supervised by the Street Division.

It should be noted that after the trial program is underway, and 40 hours per week are not needed, modifications to the work schedule will be made.

Alternate 3

The third alternate is to contract with a graffiti abatement contractor. The City Council was provided with information from Arthur Price which included the proposal from Graffiti Abatement Service which would cost \$3,600.00 for 20 hours of labor per month for a 6-month period (120 total hours). The \$30.00 per hour cost would include most materials. Under this alternate, releases would also have to be obtained. If the same number of hours (560 hours) were provided under this alternate as in Alternates 1 and 2, the cost would be \$16,800.00. Because of the amount of this alternate even at 20 hours per month, the City code requires that several bids be obtained if there are others who do this type of work. It should be noted that supervision and monitoring of this alternate would also be done by the Street Division.

Alternate 4

The fourth alternative is to use volunteers. Based on past experience and the need to eradicate graffiti quickly and maintain control over work, it is felt that use of volunteers for the major graffiti removal is not a realistic alternative. Once an ongoing program is implemented, it is felt that volunteers could be used for an "adopt a wall" or "adopt a fence" programs, 1-day paint-outs, etc.

Obtaining Releases

As mentioned at the last Council meeting, obtaining releases for graffiti removal is one of the most time-consuming elements of an abatement program. This release was recently revised to give the City authorization

to abate until written notice to revoke this authorization is received.

Listed below are a number of ways that releases could be obtained and any of these could be used in combination with one another. If the Public Works Department is to be responsible for an ongoing pro-active program, it would be our goal to have a release for all properties subject to graffiti.

1. Part-time City employee - A part-time employee could be used, going door-to-door. The working hours of this employee would have to be set other than the standard 8 a.m. to 5 p.m. in order to reach those people who work. It is important that this employee be bilingual.
2. Volunteers - An effort could be made to get volunteers to go door-to-door to obtain releases. As mentioned at the Council meeting, there are many senior citizens who might be willing to do this. There are also service clubs and civic organizations whose members may want to make this a project. It would also be helpful if some of these volunteers were also bilingual.
3. Mass mailing - A mass mailing could be sent to all property owners in the areas most affected by graffiti. This mailing should include information on the graffiti ordinance as well as a release form. An addressed envelope could be included to make it easier for owners to return it to the City. Our Finance Department could produce the mailing labels.
4. Neighborhood Watch Program - The releases could be given to all Neighborhood Watch captains so they could get signed releases from their group members as well as their surrounding neighborhood.
5. Police Explorers - The Police Explorers could be used similar to part-time City employees.

Public Relations

It is important that this program be kept in the public eye. It will be necessary to advertise in the paper similar to what the City of Modesto has done. We will put an information board in the lobby at City Hall which

reminds people to sign the release and also to report graffiti locations. The City Newsletter should also be used. Bulletins could be sent to service clubs, as well as to the Chamber of Commerce, asking that they remind their members to sign releases and report graffiti. We could also use the public service announcement spots provided by Cable TV and local radio stations.

As suggested at the last Council meeting, stores selling spray paint should be notified of the ordinance and their responsibilities under the ordinance. The City could make signs available to these stores for posting. A package similar to the No Smoking Ordinance package could be prepared.

Funding

The Community Development Department has confirmed that we can use Community Development Block Grant funds for an ongoing graffiti abatement program in the area eligible for these funds. It is our feeling that over 90% of the graffiti is presently found in this area. A map showing this area was presented for Council review. These funds can only be used for manpower if the worker is a full-time or contract City employee. We could not hire an employee from a service agency. These funds can also be used for materials, equipment and public relations.

The Community Development Block Grant Fund projects for 1992-93 are currently being formalized. These projects will be presented for approval to the City Council in April. The money will become available on July 1, 1992. Any work on the graffiti abatement program between now and July 1, 1992 must be funded with City dollars.

It is possible that service clubs and other organizations may be willing to contribute money to be used for newspaper advertising and informational material once the program is up and running.

Recommendation

Since Community Development Block Grant funds could be provided for an ongoing program and if the Council desires the City to become involved in a pro-active graffiti program, it is our recommendation that the City Council approval and fund Alternate 1. At the end of the initial trial period, we feel we would see a significant decrease in graffiti City-wide and we would have an employee fully trained in graffiti removal. It would be in the City's best interest to then transition this trained part-time employee into a contract employee whose position would be funded with Community Development Block Grant funds.

It is also our recommendation that the Council appropriate a total of \$9,000.00 to cover the cost of Alternate 1 and money needed for the public relations segment of the program.

The appropriation to fund this interim program could be made out of the City's Hotel/Motel Tax Fund, since one of the eligible expenditure categories for this fund is for City beautification.

Addressing the City Council regarding the matter were the following people:

- a) Arthur Price, 1053 Port Chelsea Circle, Lodi;
- b) Mrs. Virginia Lahr, 311 East Elm Street, Lodi; and
- c) Mr. Dennis Cochran, 935 Coloma, Lodi.

Following a lengthy discussion, on motion of Council Member Sieglock, Snider second, the City Council approved implementing and funding of Alternate 1 as set forth above. Staff was given the latitude to use either Community Development Block Grant funds or funds from the City's Hotel/Motel Tax Fund.

AGREEMENT APPROVED WITH HOUSING
AUTHORITY OF THE COUNTY OF SAN JOAQUIN
FOR MORTGAGE CREDIT CERTIFICATE PROGRAM

RESOLUTION NO. 92-42

CC-6 Mr. David Ward, Executive Director of the Housing Authority
CC-25 of the County of San Joaquin addressed the City Council
CC-90 regarding the implementation of the Mortgage Credit
CC-300 Certificate Program in the City of Lodi.

Mr. Ward detailed the program advising that the Mortgage Credit Certificate Program will provide substantial tax benefits to qualified first-time home buyers at no cost to the City. Mr. Ward then responded to questions regarding the matter as were posed by members of the City Council.

On motion of Council Member Hinchman, Pennino second, the City Council adopted Resolution No. 92-42 approving the agreement between the City of Lodi and the Housing Authority of the County of San Joaquin to provide for the implementation of the Mortgage Credit Certificate program in the City of Lodi.

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ORDINANCE INTRODUCED REGARDING GREASE
INTERCEPTOR WASTE RESCINDED

CC-6
CC-149

The City Council was advised that at the February 5, 1992 public hearing, Council directed staff to come back with additional information prior to its adoption of the sewer ordinance amendment.

After further survey by staff it has been learned that of five local firms which remove grease from interceptors a year ago, one no longer hauls grease, two haul to ITRE (a recently completed \$1.5 million dollar state of the art grease and oil recycling facility in Stockton). ITRE charges around \$0.14 or \$0.15 per gallon depending on negotiations with each hauler. A fourth hauler recycles their grease into animal feed. A fifth hauler has asked the City of Lodi to consider receiving their collected grease. For whatever reason, this fifth hauler is reluctant to take their grease to ITRE. There are presently three firms which are hauling grease and servicing Lodi businesses.

As was pointed out earlier, the City of Lodi's wastewater treatment facility has not been designed to process grease waste and thus the City would be required to contract with a local grease recycler (ITRE) to handle any grease accepted.

If the City is to provide this service a \$0.25/gallon minimum fee would have to be adopted. This \$0.25/gallon fee is based on normal usage by all area grease haulers. It is doubtful the two existing haulers would abandon their negotiated contracts with ITRE at approximately \$0.15/gallon for our \$0.25/gallon fee. Therefore the \$0.25/gallon fee would probably have to be increased.

Now that reliable grease recycling is available to area haulers at costs significantly less than what the City would be required to charge, it is recommended the City not get into the grease disposal business.

Following discussion, on motion of Council Member Sieglock, Snider second, the City Council rescinded Ordinance No. 1543 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 13.12 - Sewer Service, Section 13.12.115, Relating to Grease Interceptor Waste and Fees" which was introduced by the City Council on February 5, 1992.

ORDINANCES

There were no ordinances presented for adoption.

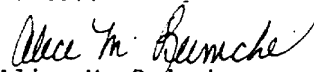
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ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 11:25 p.m.

ATTEST:



Alice M. Reimche
City Clerk